

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 12 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TERRANCE LAMONT COOPER,

Defendant - Appellant.

No. 04-30275

D.C. No. CR-02-00131-JLQ

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Justin L. Quackenbush, Senior District Judge, Presiding

Submitted December 5, 2005**

Before: GOODWIN, W. FLETCHER, and FISHER, Circuit Judges.

Terrance Lamont Cooper appeals pro se the district court's judgment denying his petition for modification of sentence, pursuant to 18 U.S.C.

§ 3582(c)(2). We have jurisdiction pursuant to 28 U.S.C. § 1291. We review the

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

district court's judgment for abuse of discretion, *see United States v. Sprague*, 135 F.3d 1301, 1304 (9th Cir. 1998), and we affirm.

United States Sentencing Guidelines Amendment 599, concerning the application of specific offense characteristics when a weapon was used, does not provide grounds for modifying appellant's sentence, because he was sentenced pursuant to statute to a mandatory minimum sentence of seven years. Accordingly, his sentence is not affected by Amendment 599, and the district court properly denied appellant's motion. *See* 18 U.S.C. § 3582(c)(2) (allowing modification when a sentence was "based on a sentencing range that has subsequently been lowered"); *United States v. Townsend*, 98 F.3d 510, 513 (9th Cir. 1996) (per curiam) (affirming the denial of a motion to modify when the amendment at issue had no effect on the defendant's sentencing range).

AFFIRMED.¹

¹ All outstanding motions are denied as moot.